

Senate File 2272 - Reprinted

SENATE FILE _____
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3107)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the duties and operations of the state board
2 of education, the department of education, and local school
3 boards and including effective and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 SF 2272
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1 1 Section 1. Section 256.9, subsection 40, Code Supplement
1 2 2005, is amended by striking the subsection.
1 3 Sec. 2. Section 256.12, subsection 2, unnumbered paragraph
1 4 1, Code 2005, is amended to read as follows:
1 5 This section does not deprive the respective boards of
1 6 public school districts of any of their legal powers,
1 7 statutory or otherwise, and in accepting the specially
1 8 enrolled students, each of the boards shall prescribe the
1 9 terms of the special enrollment, including but not limited to
1 10 scheduling of courses and the length of class periods. In
1 11 addition, the board of the affected public school district
1 12 shall be given notice by the department of its decision to
1 13 permit the special enrollment not later than six months prior
1 14 to the opening of the affected public school district's school
1 15 year, except that the board of the public school district may
1 16 waive the notice requirement. School districts and area
1 17 education agency boards shall make public school services,
1 18 which shall include special education programs and services
1 19 and may include health services, services for remedial
1 20 education programs, guidance services, and school testing
1 21 services, available to children attending accredited nonpublic
1 22 schools in the same manner and to the same extent that they
1 23 are provided to public school students. However, services
~~1 24 that are made available shall be provided on neutral sites, or~~
~~1 25 in mobile units located off the nonpublic school premises as~~
~~1 26 determined by the boards of the school districts and area~~
~~1 27 education agencies providing the services, and not on~~
~~1 28 nonpublic school property, except for health services,~~
~~1 29 services funded by Title I of the federal Elementary and~~
~~1 30 Secondary Education Act of 1965, diagnostic services for~~
~~1 31 speech, hearing, and psychological purposes, and assistance~~
~~1 32 with physical and communication needs of students with~~
~~1 33 physical disabilities, and services of an educational~~
~~1 34 interpreter, which may be provided on nonpublic school~~
~~1 35 premises, with the permission of the lawful custodian.~~
2 1 Service activities shall be similar to those undertaken for
2 2 public school students. Health services, special education
2 3 support, and related services provided by area education
2 4 agencies for the purpose of identifying children with
2 5 disabilities, assistance with physical and communications
2 6 needs of students with physical disabilities, and services of
2 7 an educational interpreter may be provided on nonpublic school
2 8 premises with the permission of the lawful custodian of the
2 9 property. Other special education services may be provided on
2 10 nonpublic school premises at the discretion of the school
2 11 district or area education agency provider of the service and
2 12 with the permission of the lawful custodian of the property.
2 13 Sec. 3. Section 256.46, Code Supplement 2005, is amended
2 14 to read as follows:
2 15 256.46 RULES FOR PARTICIPATION IN EXTRACURRICULAR
2 16 ACTIVITIES BY CERTAIN CHILDREN.
2 17 The state board shall adopt rules that permit a child who

2 18 does not meet the residence requirements for participation in
2 19 extracurricular interscholastic contests or competitions
2 20 sponsored or administered by an organization as defined in
2 21 section 280.13 to participate in the contests or competitions
2 22 immediately if the child is duly enrolled in a school, is
2 23 otherwise eligible to participate, and meets one of the
2 24 following circumstances or a similar circumstance: the child
2 25 has been adopted; the child is placed under foster or shelter
2 26 care; the child is living with one of the child's parents as a
2 27 result of divorce, separation, death, or other change in the
2 28 child's parents' marital relationship, or pursuant to other
2 29 court-ordered decree or order of custody; the child is a
2 30 foreign exchange student, unless undue influence was exerted
2 31 to place the child for primarily athletic purposes; the child
2 32 has been placed in a juvenile correctional facility; the child
2 33 is a ward of the court or the state; the child is a
2 34 participant in a substance abuse or mental health program; or
2 35 the child is enrolled in an accredited nonpublic high school
3 1 because the child's district of residence has entered into a
3 2 whole grade sharing agreement for the pupil's grade with
3 3 another district. The rules shall permit a child who is
3 4 otherwise eligible to participate, but who does not meet one
3 5 of the foregoing or similar circumstances relating to
3 6 residence requirements, to participate at any level of
3 7 competition inferior to other than the varsity level. For
3 8 purposes of this section and section 282.18, "varsity" means
3 9 the highest level of competition offered by one school or
3 10 school district against the highest level of competition
3 11 offered by an opposing school or school district.
3 12 Sec. 4. Section 256.51, subsection 1, paragraph d, Code
3 13 2005, is amended by striking the paragraph.
3 14 Sec. 5. Section 257.6, subsection 1, unnumbered paragraph
3 15 1, Code 2005, is amended to read as follows:
3 16 Actual enrollment is determined annually on the third
3 17 Friday of September in each year October 1, or the first
3 18 Monday in October if October 1 falls on a Saturday or Sunday,
3 19 and includes all of the following:
3 20 Sec. 6. Section 257.6, subsection 1, unnumbered paragraph
3 21 3, Code 2005, is amended to read as follows:
3 22 A school district shall certify its actual enrollment to
3 23 the department of education by October ~~± 15~~ of each year, and
3 24 the department shall promptly forward the information to the
3 25 department of management.
3 26 Sec. 7. Section 257.10, subsection 5, Code 2005, is
3 27 amended to read as follows:
3 28 5. COMBINED DISTRICT COST PER PUPIL. The combined
3 29 district cost per pupil for a school district is the sum of
3 30 the regular program district cost per pupil and the special
3 31 education support services district cost per pupil. Combined
3 32 district cost per pupil does not include additional modified
3 33 allowable growth added for school districts that have a
3 34 negative balance of funds raised for special education
3 35 instruction programs, additional modified allowable growth
4 1 granted by the school budget review committee for a single
4 2 school year, or additional modified allowable growth added for
4 3 programs for dropout prevention.
4 4 Sec. 8. Section 257.17, Code 2005, is amended to read as
4 5 follows:
4 6 257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.
4 7 State aid payments made pursuant to section 257.16 for a
4 8 fiscal year shall be reduced by one one-hundred-eightieth for
4 9 each day of that fiscal year for which the school district
4 10 begins school before the earliest starting date specified in
4 11 section 279.10, subsection 1. However, this section does not
4 12 apply to a school district that has received approval from the
4 13 director of the department of education for a pilot project
4 14 under section 256.20, or for a pilot program under section
4 15 279.10, subsection 4, to commence classes for regularly
4 16 established elementary and secondary schools in advance of the
4 17 starting date established in section 279.10, subsection ± 3.
4 18 Sec. 9. Section 257.31, subsection 14, paragraph b,
4 19 unnumbered paragraph 3, Code 2005, is amended to read as
4 20 follows:
4 21 A school district is only eligible to receive supplemental
4 22 aid payments during the budget year if the school district
4 23 certifies to the school budget review committee that for the
4 24 year following the budget year it will notify the school
4 25 budget review committee to instruct the director of the
4 26 department of management to increase the district's allowable
4 27 growth and will fund the allowable growth increase either by
4 28 using moneys from its unexpended cash balance to reduce the

4 29 district's property tax levy or by using cash reserve moneys
4 30 to equal the amount of the deficit that would have been
4 31 property taxes and any part of the state aid portion of the
4 32 deficit not received as supplemental aid under this
4 33 subsection. The director of the department of management
4 34 shall make the necessary adjustments to the school district's
4 35 budget to provide the ~~additional~~ modified allowable growth and
5 1 shall make the supplemental aid payments.

5 2 Sec. 10. Section 257.37, subsection 4, Code 2005, is
5 3 amended to read as follows:

5 4 4. "Enrollment served" means the basic enrollment plus the
5 5 number of nonpublic school pupils served with media services
5 6 or educational services, as applicable, except that if a
5 7 nonpublic school pupil or a pupil attending another district
5 8 under a whole-grade sharing agreement or open enrollment
5 9 receives services through an area other than the area of the
5 10 pupil's residence, the pupil shall be deemed to be served by
5 11 the area of the pupil's residence, which shall by contractual
5 12 arrangement reimburse the area through which the pupil
5 13 actually receives services. Each school district shall
5 14 include in the ~~third Friday in September~~ enrollment report
5 15 submitted pursuant to section 257.6, subsection 1, the number
5 16 of nonpublic school pupils within each school district for
5 17 media and educational services served by the area.

5 18 Sec. 11. Section 257.38, unnumbered paragraphs 1 and 2,
5 19 Code 2005, are amended to read as follows:

5 20 Boards of school districts, individually or jointly with
5 21 boards of other school districts, requesting to use ~~additional~~
5 22 modified allowable growth for programs for returning dropouts
5 23 and dropout prevention, shall ~~annually~~ submit comprehensive
5 24 program plans for the programs and budget costs, including
5 25 annual requests for additional modified allowable growth for
5 26 funding the programs, to the department of education as
5 27 provided in this chapter a component of the comprehensive
5 28 school improvement plan submitted to the department pursuant
5 29 to section 256.7, subsection 21. The program plans shall
5 30 include:

5 31 Program plans shall identify the parts of the plan that
5 32 will be implemented first upon approval of the ~~application~~
5 33 request. If a district is requesting to use ~~additional~~
5 34 modified allowable growth to finance the program, ~~it the~~
5 35 school district shall not identify more than five percent of
6 1 its budget enrollment for the budget year as returning
6 2 dropouts and potential dropouts.

6 3 Sec. 12. Section 257.40, Code 2005, is amended to read as
6 4 follows:

6 5 257.40 PLANS FOR RETURNING DROPOUTS AND DROPOUT
6 6 PREVENTION.

6 7 The board of directors of a school district requesting to
6 8 use ~~additional~~ modified allowable growth for programs for
6 9 returning dropouts and dropout prevention shall submit
6 10 applications for approval for the programs requests for
6 11 modified at-risk allowable growth, including budget cost, to
6 12 the department not later than ~~November 1~~ December 15 of the
6 13 year preceding the budget year during which the program will
6 14 be offered. The department shall review the ~~program plans~~
6 15 request and shall prior to January 15 either grant approval
6 16 for the ~~program request~~ or return the request for approval
6 17 with comments of the department included. An unapproved
6 18 request for a program may be resubmitted with modifications to
6 19 the department not later than February 1. Not later than
6 20 February 15, the department shall notify the department of
6 21 management and the school budget review committee of the names
6 22 of the school districts for which programs using ~~additional~~
6 23 modified allowable growth for funding have been approved and
6 24 the approved budget of each program listed separately for each
6 25 school district having an approved ~~program request~~.

6 26 Sec. 13. Section 259A.1, Code 2005, is amended to read as
6 27 follows:

6 28 259A.1 TESTS.

6 29 The department of education shall cause to be made
6 30 available for qualified individuals a high school equivalency
6 31 diploma. The diploma shall be issued on the basis of
6 32 satisfactory competence as shown by tests covering all of the
6 33 following: ~~The correctness and effectiveness of expression;~~
6 34 ~~the interpretation of reading materials in the, arts, language~~
6 35 ~~arts, writing, mathematics, science, and social studies;~~
7 1 ~~interpretation of reading material in the natural sciences;~~
7 2 ~~interpretation of literary materials; and general mathematical~~
7 3 ~~ability.~~

7 4 Sec. 14. Section 259A.3, Code 2005, is amended to read as

7 5 follows:

7 6 259A.3 NOTICE AND FEE.

7 7 Any applicant who has achieved the minimum passing
7 8 standards as established by the department, and approved by
7 9 the state board, shall be issued a high school equivalency
7 10 diploma by the department upon payment of an ~~additional five~~
~~7 11 dollars amount determined in rules adopted by the state board~~
~~7 12 of education to cover the actual costs of the production and~~
~~7 13 distribution of the diploma. The state board of education may~~
~~7 14 also by rule establish a fee for the issuance of a transcript~~
~~7 15 which shall be based on the actual costs of the production and~~
~~7 16 distribution of a transcript.~~

7 17 Sec. 15. Section 259A.4, Code 2005, is amended to read as
7 18 follows:

7 19 259A.4 USE OF FEES.

7 20 The fees collected under the provisions of this chapter
7 21 ~~shall are appropriated to the department of education to be~~
7 22 used for the expenses incurred in administering, providing
7 23 test materials, scoring of examinations and issuance of high
7 24 school equivalency diplomas and transcripts, and shall be
7 25 disbursed on the authorization of the director of the
7 26 department of education. The treasurer of state shall be
7 27 custodian of the funds paid to the department and shall
7 28 disburse the same on vouchers audited as provided by law. The
7 29 unobligated balance in such funds at the close of each
7 30 biennium shall be placed in the general fund of the state.

7 31 Sec. 16. Section 260C.14, subsection 2, Code 2005, is
7 32 amended to read as follows:

7 33 2. Have authority to determine tuition rates for
7 34 instruction. Tuition for residents of Iowa shall not exceed
7 35 the lowest tuition rate per semester, or the equivalent,
8 1 charged by an institution of higher education under the state
8 2 board of regents for a full-time resident student. However,
8 3 except for students enrolled under chapter 261C, if a local
8 4 school district pays tuition for a resident pupil of high
8 5 school age, the limitation on tuition for residents of Iowa
8 6 shall not apply, the amount of tuition shall be determined by
8 7 the board of directors of the community college with the
8 8 consent of the local school board, and the pupil shall not be
8 9 included in the full-time equivalent enrollment of the
8 10 community college for the purpose of computing general aid to
8 11 the community college. Tuition for nonresidents of Iowa shall
8 12 not be less than the marginal cost of instruction of a student
8 13 attending the college. A lower tuition for nonresidents may
8 14 be permitted under a reciprocal tuition agreement between a
8 15 merged area and an educational institution in another state,
8 16 if the agreement is approved by the ~~state board director~~. The
8 17 board may designate that a portion of the tuition moneys
8 18 collected from students be used for student aid purposes.

8 19 Sec. 17. Section 260C.28, subsection 2, Code 2005, is
8 20 amended to read as follows:

8 21 2. However, the board of directors may annually certify
8 22 for levy a tax on taxable property in the merged area at a
8 23 rate in excess of the three cents per thousand dollars of
8 24 assessed valuation specified under subsection 1 if the excess
8 25 tax levied does not cause the total rate certified to exceed a
8 26 rate of nine cents per thousand dollars of assessed valuation,
8 27 and the excess revenue generated is used for purposes of
8 28 program sharing between community colleges or for the purchase
8 29 of instructional equipment. Programs that are shared shall be
8 30 designed to increase student access to community college
8 31 programs and to achieve efficiencies in program delivery at
8 32 the community colleges, including, but not limited to, the
8 33 programs described under ~~sections 260C.45 and section 260C.46~~.
8 34 Prior to expenditure of the excess revenues generated under
8 35 this subsection, the board of directors shall obtain the
9 1 approval of the director of the department of education.

9 2 Sec. 18. Section 261C.6, unnumbered paragraph 1, Code
9 3 2005, is amended to read as follows:

9 4 Not later than June 30 of each year, a school district
9 5 shall pay a tuition reimbursement amount to an eligible
9 6 postsecondary institution that has enrolled its resident
9 7 eligible pupils under this chapter, unless the eligible pupil
9 8 is participating in open enrollment under section 282.18, in
9 9 which case, the tuition reimbursement amount shall be paid by
9 10 the receiving district. However, if a child's residency
9 11 changes during a school year, the tuition shall be paid by the
9 12 district in which the child was enrolled as of the ~~third~~
~~9 13 Friday in September date specified in section 257.6,~~
~~9 14 subsection 1,~~ or the district in which the child was counted
9 15 under section 257.6, subsection 1, paragraph "f". For pupils

9 16 enrolled at the school for the deaf and the Iowa braille and
9 17 sight saving school, the state board of regents shall pay a
9 18 tuition reimbursement amount by June 30 of each year. The
9 19 amount of tuition reimbursement for each separate course shall
9 20 equal the lesser of:

9 21 Sec. 19. Section 273.22, subsections 6 and 7, Code 2005,
9 22 are amended to read as follows:

9 23 6. Within forty=five days of the state board's approval,
9 24 the board of directors of a school district that is contiguous
9 25 to a newly reorganized area education agency may petition the
9 26 board of directors of their current area education agency and
9 27 the newly reorganized area education agency to join the newly
9 28 reorganized area education agency. If the initial, or new
9 29 board if established in time under section 273.23, subsection
9 30 3, and the board of the contiguous area education agency
9 31 approve the petition, the reorganization, including any school
9 32 district whose petition to join the newly reorganized area
9 33 education agency has been approved, shall take effect in
9 34 accordance with the dates established under section 273.21,
9 35 subsection 4. Both the initial, or new, and the contiguous
10 1 area education agency boards must act within forty=five days
10 2 of the deadline, as set forth in this subsection, for the
10 3 filing of the school district's petition. ~~A Within ten days~~
10 4 ~~of an area education agency board's action, a school district~~

10 5 may appeal to the state board the decision of an area
10 6 education agency board to deny the school district's petition.

10 7 7. Within forty=five days of the state board's approval,
10 8 the board of directors of a school district that is within a
10 9 newly reorganized area education agency and whose school
10 10 district is contiguous to another area education agency not
10 11 included in the newly reorganized area education agency may
10 12 petition the board of directors of the newly reorganized area
10 13 education agency and the contiguous area education agency to
10 14 join that area education agency. If the initial, or new board
10 15 if established in time under section 273.23, subsection 3, and
10 16 the board of the contiguous area education agency approve the
10 17 petition, the reorganization, excluding any school district
10 18 whose petition to join an area education agency contiguous to
10 19 the newly reorganized area education agency has been approved,
10 20 shall take effect in accordance with the dates established
10 21 under section 273.21, subsection 4. Both the initial, or new,
10 22 and the contiguous area education agency boards must act
10 23 within forty=five days of the deadline, as set forth in this
10 24 subsection, for the filing of the school district's petition.

10 25 ~~A Within ten days of an area education agency board's action,~~
10 26 ~~a school district may appeal to the state board the decision~~
10 27 ~~of an area education agency board to deny the school~~
10 28 ~~district's petition.~~

10 29 Sec. 20. Section 279.10, subsections 1 and 2, Code 2005,
10 30 are amended to read as follows:

10 31 1. The school year shall begin on the first day of July
10 32 and each regularly established elementary and secondary school
10 33 shall begin no sooner than ~~a day during the calendar week in~~
10 34 ~~which the first day of September falls~~ August 25 but no later
10 35 than the first Monday in December ~~unless the school district~~

11 1 ~~has received approval from the department of education for a~~
11 2 ~~pilot program or pilot project in accordance with subsection 3~~
11 3 ~~or section 256.20. However, if the first day of September~~
11 4 ~~falls on a Sunday, school may begin on a day during the~~
11 5 ~~calendar week which immediately precedes the first day of~~
11 6 ~~September.~~ School shall continue for at least one hundred

11 7 eighty days, except as provided in subsection 3, and may be
11 8 maintained during the entire calendar year. However, if the
11 9 board of directors of a district extends the school calendar
11 10 because inclement weather caused the district to temporarily
11 11 close school during the regular school calendar, the district
11 12 may excuse a graduating senior who has met district or school
11 13 requirements for graduation from attendance during the
11 14 extended school calendar. A school corporation may begin
11 15 employment of personnel for in=service training and
11 16 development purposes before the date to begin elementary and
11 17 secondary school.

11 18 2. The board of directors shall hold a public hearing on
11 19 any ~~proposal request made pursuant to subsection 3~~ prior to
11 20 submitting it to the department of education for approval.

11 21 Sec. 21. Section 279.10, subsection 4, Code 2005, is
11 22 amended by striking the subsection.

11 23 Sec. 22. Section 279.30, Code 2005, is amended to read as
11 24 follows:

11 25 279.30 EXCEPTIONS.

11 26 Each ~~warrant payment~~ must be made payable to the person

11 27 entitled to receive the money. The board of directors of a
11 28 school district or an area education agency may by resolution
11 29 authorize the secretary, upon approval of the superintendent
11 30 or designee, or administrator, in the case of an area
11 31 education agency, to issue warrants payments when the board of
11 32 directors is not in session in payment of ~~freight, drayage,~~
11 33 ~~express, postage, printing, water, light, and telephone rents~~
11 34 ~~reasonable and necessary expenses,~~ but only upon verified
11 35 bills filed with the secretary or administrator, and for the
12 1 payment of salaries pursuant to the terms of a written
12 2 contract, ~~and the secretary or administrator shall either~~
12 3 ~~deliver in person or mail the warrants to the payees. In~~
12 4 ~~addition, the board of directors may by resolution authorize~~
12 5 ~~the secretary or administrator, upon approval of the president~~
12 6 ~~of the board, to issue warrants when the board of directors is~~
12 7 ~~not in session, but only upon verified bills filed with the~~
12 8 ~~secretary or administrator, and the secretary or administrator~~
12 9 ~~shall either deliver in person or mail the warrants to the~~
12 10 ~~payees. Each warrant payment must be made payable only to the~~
12 11 ~~person performing the service or presenting the verified bill,~~
12 12 ~~and must state the purpose for which the warrant payment is~~
12 13 ~~issued. All bills and salaries for which warrants payments~~
12 14 ~~are issued prior to audit and allowance by the board must be~~
12 15 ~~passed upon by the board of directors at the next meeting and~~
12 16 ~~be entered in the regular minutes of the secretary.~~

12 17 Sec. 23. Section 279.33, Code 2005, is amended to read as
12 18 follows:

12 19 279.33 ANNUAL SETTLEMENTS.

12 20 At a regular or special meeting held on or after August 31
12 21 and prior to the organizational meeting held after the regular
12 22 school election, the board of each school corporation shall
12 23 meet, examine the books of and settle with the secretary and
12 24 treasurer for the year ending on the preceding June 30, and
12 25 transact other business as necessary. The treasurer at the
12 26 time of settlement shall furnish the board with a ~~sworn~~
12 27 statement from each depository showing the balance then on
12 28 deposit in the depository. If the secretary or treasurer
12 29 fails to make proper reports for the settlement, the board
12 30 shall take action to obtain the balance information.

12 31 Sec. 24. Section 279.41, Code 2005, is amended to read as
12 32 follows:

12 33 279.41 SCHOOLHOUSES AND SITES SOLD == FUNDS.

12 34 Moneys received from the condemnation, sale, or other
12 35 disposition for public purposes of schoolhouses, school sites,
13 1 or both schoolhouses and school sites, shall be deposited in
13 2 the physical plant and equipment levy fund and may without a
13 3 vote of the electorate be used for ~~the purchase of school~~
13 4 ~~sites or the erection or repair of schoolhouses, or both~~
13 5 ~~purposes authorized under section 298.3,~~ as ordered by the
13 6 board of directors of the school district.

13 7 Sec. 25. Section 279.60, Code Supplement 2005, is amended
13 8 to read as follows:

13 9 279.60 KINDERGARTEN ASSESSMENT == ACCESS TO DATA ==
13 10 REPORTS.

13 11 Each school district shall administer the dynamic
13 12 indicators of basic early literacy skills kindergarten
13 13 benchmark assessment or other kindergarten benchmark
13 14 assessment adopted by the department of education in
13 15 consultation with the Iowa empowerment board to every
13 16 kindergarten student enrolled in the district not later than
13 17 ~~October 1~~ the date specified in section 257.6, subsection 1.
13 18 The school district shall also collect information from each
13 19 parent, guardian, or legal custodian of a kindergarten student
13 20 enrolled in the district, including but not limited to whether
13 21 the student attended preschool, factors identified by the
13 22 early care staff pursuant to section 28.3, and other
13 23 demographic factors. Each school district shall report the
13 24 results of the assessment and the preschool information
13 25 collected to the department of education in the manner
13 26 prescribed by the department not later than January 1 of that
13 27 school year. The early care staff designated pursuant to
13 28 section 28.3 shall have access to the raw data. The
13 29 department shall review the information submitted pursuant to
13 30 this section and shall submit its findings and recommendations
13 31 annually in a report to the governor, the general assembly,
13 32 the Iowa empowerment board, and the community empowerment area
13 33 boards.

13 34 Sec. 26. Section 282.1, unnumbered paragraph 1, Code 2005,
13 35 is amended to read as follows:

14 1 Persons between five and twenty-one years of age are of
14 2 school age. ~~A board may establish and maintain evening~~

~~14 3 schools or an educational program under section 282.1A for~~
~~14 4 residents of the corporation regardless of age and for which~~
~~14 5 no tuition need be charged.~~ Nonresident children shall be
14 6 charged the maximum tuition rate as determined in section
14 7 282.24, subsection 1, with the exception that those residing
14 8 temporarily in a school corporation may attend school in the
14 9 corporation upon terms prescribed by the board, and boards
14 10 discontinuing grades under section 282.7, subsection 1 or
14 11 subsections 1 and 3, shall be charged tuition as provided in
14 12 section 282.24, subsection 2.

14 13 Sec. 27. Section 282.8, Code 2005, is amended to read as
14 14 follows:

14 15 282.8 ATTENDING SCHOOL OUTSIDE STATE.

14 16 The boards of directors of school districts located near
14 17 the state boundaries may designate schools of equivalent
14 18 standing across the state line for attendance of both
14 19 elementary and high school pupils when the public school in
14 20 the adjoining state is nearer than any appropriate public
14 21 school in a pupil's district of residence or in Iowa.
14 22 Distance shall be measured by the nearest traveled public
14 23 road. Arrangements shall be subject to reciprocal agreements
14 24 made between the chief state school officers of the respective
14 25 states. Notwithstanding section 282.1, arrangements between
14 26 districts pursuant to the reciprocal agreements made under
14 27 this section shall establish tuition and transportation fees
14 28 in an amount acceptable to the affected boards, but the
14 29 tuition and transportation fees shall not be less than the
14 30 lower average cost per pupil for the previous school year of
14 31 the two affected school districts. For the purpose of this
14 32 section average cost per pupil for the previous school year is
14 33 determined by dividing the district's operating expenditures
14 34 for the previous school year by the number of children
14 35 enrolled in the district in the previous school year on the
15 1 third Friday of September of the previous school year date
15 2 specified in section 257.6, subsection 1. A person attending

15 3 school in another state shall continue to be treated as a
15 4 pupil of the district of residence in the apportionment of the
15 5 current school fund and the payment of state aid.

15 6 Sec. 28. Section 282.12, subsection 4, Code 2005, is
15 7 amended to read as follows:

15 8 4. The number of pupils participating in a whole grade
15 9 sharing agreement shall be determined on the ~~third Friday of~~
~~15 10 September date specified in section 257.6, subsection 1,~~ and
15 11 on the third Friday of February of each year.

15 12 Sec. 29. Section 282.18, subsection 2, unnumbered
15 13 paragraph 2, Code Supplement 2005, is amended to read as
15 14 follows:

15 15 The board of the receiving district shall enroll the pupil
15 16 in a school in the receiving district for the following school
15 17 year unless the receiving district does not have classroom
15 18 space for the pupil. A child entering kindergarten for the
15 19 first time may be denied enrollment by the receiving district
15 20 based on lack of classroom space or availability of an
15 21 appropriate program, even if the child attended a
15 22 prekindergarten or preschool program offered by the receiving
15 23 district the previous school year. The board of directors of
15 24 a receiving district may adopt a policy granting the
15 25 superintendent of the school district authority to approve
15 26 open enrollment applications. If the request is granted, the
15 27 board shall transmit a copy of the form to the parent or
15 28 guardian and the school district of residence within five days
15 29 after board action, but not later than June 1 of the preceding
15 30 school year. The parent or guardian may withdraw the request
15 31 at any time prior to the start of the school year. A denial
15 32 of a request by the board of a receiving district is not
15 33 subject to appeal to the department or to the state board.

15 34 Sec. 30. Section 282.18, subsection 3, unnumbered
15 35 paragraph 1, Code Supplement 2005, is amended to read as
16 1 follows:

16 2 In all districts involved with voluntary or court-ordered
16 3 desegregation, minority and nonminority pupil ratios shall be
16 4 maintained according to the desegregation plan or order. The
16 5 superintendent of a district subject to voluntary or court=
16 6 ordered desegregation may deny a request for transfer under
16 7 this section if the superintendent finds that enrollment or
16 8 release of a pupil will adversely affect the district's
16 9 implementation of the desegregation order or plan, unless the
16 10 transfer is requested by a pupil whose sibling is already
16 11 participating in open enrollment to another district, or
16 12 unless the request for transfer is submitted to the district
16 13 in a timely manner as required under subsection 2 prior to the

16 14 adoption of a desegregation plan by the district. If a
16 15 transfer request is filed on behalf of a resident, as defined
16 16 in section 282.1, entering kindergarten for the first time,
16 17 the school district may deny the request under this subsection
16 18 even if the child attended a prekindergarten or preschool
16 19 program offered by the receiving district the previous school
16 20 year, whether or not the request is filed in a timely manner.

16 21 If a transfer request would facilitate a voluntary or court=
16 22 ordered desegregation plan, the district shall give priority
16 23 to granting the request over other requests.

16 24 Sec. 31. Section 282.18, subsection 4, paragraph a, Code
16 25 Supplement 2005, is amended to read as follows:

16 26 a. After March 1 of the preceding school year and until
16 27 ~~the third Friday in September of that calendar year date~~
16 28 specified in section 257.6, subsection 1, the parent or
16 29 guardian shall send notification to the district of residence
16 30 and the receiving district, on forms prescribed by the
16 31 department of education, that good cause, as defined in
16 32 paragraph "b", exists for failure to meet the March 1
16 33 deadline. The board of directors of a receiving school
16 34 district may adopt a policy granting the superintendent of the
16 35 school district authority to approve open enrollment
17 1 applications submitted after the March 1 deadline. The board
17 2 of the receiving district shall take action to approve the
17 3 request if good cause exists. If the request is granted, the
17 4 board shall transmit a copy of the form to the parent or
17 5 guardian and the school district of residence within five days
17 6 after board action. A denial of a request by the board of a
17 7 receiving district is not subject to appeal. The resident
17 8 district has five days from receipt of the notice provided by
17 9 the receiving district to appeal a good cause determination by
17 10 the receiving district to the director. The director may
17 11 uphold or reverse the decision of the receiving district or
17 12 order the resident district to retain all funding associated
17 13 with the student for whom the open enrollment request was
17 14 made.

17 15 Sec. 32. Section 282.18, subsection 4, paragraph c, Code
17 16 Supplement 2005, is amended by striking the paragraph.

17 17 Sec. 33. Section 282.31, subsection 1, paragraph b,
17 18 unnumbered paragraph 2, Code 2005, is amended to read as
17 19 follows:

17 20 However, on June 30 of a school year, if the board of
17 21 directors of a school district determines that the number of
17 22 children under this paragraph who were counted in the basic
17 23 enrollment of the school district ~~on the third Friday of~~
17 24 ~~September~~ of that school year in accordance with section
17 25 257.6, subsection 1, is fewer than the sum of the number of
17 26 months all children were enrolled in the school district under
17 27 this paragraph during the school year divided by nine, the
17 28 secretary of the school district may submit a claim to the
17 29 department of education by August 1 following the school year
17 30 for an amount equal to the district cost per pupil of the
17 31 district for the previous school year multiplied by the
17 32 difference between the number of children counted and the
17 33 number of children calculated by the number of months of
17 34 enrollment. The amount of the claim shall be paid by the
17 35 department of administrative services to the school district
18 1 by October 1. The department of administrative services shall
18 2 transfer the total amount of the approved claim of a school
18 3 district from the moneys appropriated under section 257.16 and
18 4 the amount paid shall be deducted monthly from the state
18 5 foundation aid paid to all school districts in the state
18 6 during the remainder of the subsequent fiscal year in the
18 7 manner provided in paragraph "a".

18 8 Sec. 34. Section 285.11, subsection 9, Code 2005, is
18 9 amended by striking the subsection.

18 10 Sec. 35. Section 294A.5, subsection 2, paragraph a, Code
18 11 2005, is amended to read as follows:

18 12 a. For the school year beginning July 1, 1998, for phase
18 13 I, each school district and area education agency shall
18 14 certify to the department of education by the ~~third Friday in~~
18 15 ~~September~~ date specified in section 257.6, subsection 1, the
18 16 names of all teachers employed by the district or area
18 17 education agency whose regular compensation is less than
18 18 twenty=three thousand dollars per year for that year and the
18 19 amounts needed as minimum salary supplements. The minimum
18 20 salary supplement for each eligible teacher is the total of
18 21 the difference between twenty=three thousand dollars and the
18 22 teacher's regular compensation plus the amount required to pay
18 23 the employer's share of the federal social security and Iowa
18 24 public employees' retirement system, or a pension and annuity

18 25 retirement system established under chapter 294, payments on
18 26 the additional salary moneys. ~~However, for purposes of this~~
~~18 27 paragraph, a teacher's regular compensation for the school~~
~~18 28 year beginning July 1, 1998, shall not be lower than eighteen~~
~~18 29 thousand dollars.~~

18 30 Sec. 36. Section 297.14, Code 2005, is amended to read as
18 31 follows:

18 32 297.14 BARBED WIRE.

18 33 No fence ~~provided for in section 297.13~~ shall be
18 34 constructed of barbed wire, nor shall any barbed wire fence be
18 35 placed within ten feet of any school ~~grounds~~ attendance
19 1 centers. Any person violating the provisions of this section
19 2 shall be guilty of a simple misdemeanor.

19 3 Sec. 37. Section 301.1, subsection 2, Code Supplement
19 4 2005, is amended to read as follows:

19 5 2. Textbooks adopted and purchased by a school district
19 6 shall, to the extent funds are appropriated by the general
19 7 assembly, be made available to pupils attending accredited
19 8 nonpublic schools upon request of the pupil or the pupil's
19 9 parent under comparable terms as made available to pupils
19 10 attending public schools. If the general assembly
19 11 appropriates moneys for purposes of making textbooks available
19 12 to accredited nonpublic school pupils, the department of
19 13 education shall ascertain the amount available to a school
19 14 district for the purchase of nonsectarian, nonreligious
19 15 textbooks for pupils attending accredited nonpublic schools.
19 16 The amount shall be in the proportion that the basic
19 17 enrollment of a participating accredited nonpublic school
19 18 bears to the sum of the basic enrollments of all participating
19 19 accredited nonpublic schools in the state for the budget year.
19 20 For purposes of this section, a "participating accredited
19 21 nonpublic school" means an accredited nonpublic school that
19 22 submits a written request on behalf of the school's pupils in
19 23 accordance with this subsection, and that certifies its actual
19 24 enrollment to the department of education by October 1,
19 25 annually. By ~~October 15~~ November 1, annually, the department
19 26 of education shall certify to the director of the department
19 27 of administrative services the annual amount to be paid to
19 28 each school district, and the director of the department of
19 29 administrative services shall draw warrants payable to school
19 30 districts in accordance with this subsection. For purposes of
19 31 this subsection, an accredited nonpublic school's enrollment
19 32 count shall include only students who are residents of Iowa.
19 33 The costs of providing textbooks to accredited nonpublic
19 34 school pupils as provided in this subsection shall not be
19 35 included in the computation of district cost under chapter
20 1 257, but shall be shown in the budget as an expense from
20 2 miscellaneous income. Textbook expenditures made in
20 3 accordance with this subsection shall be kept on file in the
20 4 school district. In the event that a participating accredited
20 5 nonpublic school physically relocates to another school
20 6 district, textbooks purchased for the nonpublic school with
20 7 funds appropriated for purposes of this chapter shall be
20 8 transferred to the school district in which the nonpublic
20 9 school has relocated and may be made available to the
20 10 nonpublic school. Funds distributed to a school district for
20 11 purposes of purchasing textbooks in accordance with this
20 12 subsection which remain unexpended and available for the
20 13 purchase of textbooks for the nonpublic school that relocated
20 14 in the fiscal year in which the funds were distributed shall
20 15 also be transferred to the school district in which the
20 16 nonpublic school has relocated.

20 17 Sec. 38. Section 321.375, subsection 2, unnumbered
20 18 paragraph 1, Code 2005, is amended to read as follows:

20 19 Any of the following shall constitute grounds for ~~a school~~
~~20 20 bus driver's~~ the immediate suspension from duties of a school
~~20 21 bus driver, including a part-time or substitute bus driver,~~
20 22 pending a termination hearing by the board of directors of a
20 23 public school district or the authorities in charge in a
20 24 nonpublic school ~~if the bus driver is under contract, pending~~
~~20 25 confirmation of the grounds by the school district or~~
~~20 26 accredited nonpublic school if the bus driver is a part-time~~
~~20 27 or substitute bus driver who is not under contract, or pending~~
20 28 confirmation of the grounds by the employer of the school bus
20 29 driver if the employer is not a school district or accredited
20 30 nonpublic school ~~by the board~~:

20 31 Sec. 39. Section 321.376, subsection 1, Code 2005, is
20 32 amended to read as follows:

20 33 1. The driver of a school bus shall hold a driver's
20 34 license issued by the department of transportation valid for
20 35 the operation of the school bus and a certificate of

21 1 qualification for operation of a commercial motor vehicle
21 2 issued by a physician licensed pursuant to chapter 148 or
21 3 150A, physician's assistant, advanced registered nurse
21 4 practitioner, or chiropractor or any other person identified
21 5 by federal and state law as authorized to perform physical
21 6 examinations, and shall successfully complete an approved
21 7 course of instruction in accordance with subsection 2. A
21 8 person holding a temporary restricted license issued under
21 9 chapter 321J shall be prohibited from operating a school bus.
21 10 The department of education shall ~~revoke or~~ refuse to issue an
21 11 authorization to operate a school bus to any person who, after
21 12 notice and opportunity for hearing, is determined to have
21 13 committed any of the acts proscribed under section 321.375,
21 14 subsection 2. The department of education shall take adverse
21 15 action against any person who, after notice and opportunity
21 16 for hearing, is determined to have committed any of the acts
21 17 proscribed under section 321.375, subsection 2. Such action
21 18 may include a reprimand or warning of the person or the
21 19 suspension or revocation of the person's authorization to
21 20 operate a school bus. The department of education shall
21 21 recommend, and the state board of education shall adopt under
21 22 chapter 17A, rules and procedures for issuing and suspending
21 23 or revoking authorization to operate a school bus in this
21 24 state. Rules and procedures adopted shall include, but are
21 25 not limited to, provisions for the revocation or suspension
21 26 of, or refusal to issue, authorization to persons who are
21 27 determined to have committed any of the acts proscribed under
21 28 section 321.375, subsection 2.
21 29 Sec. 40. Section 423E.3, subsection 5, paragraph d,
21 30 subparagraph (2), Code Supplement 2005, is amended to read as
21 31 follows:
21 32 (2) The combined actual enrollment for a county, for
21 33 purposes of this section, shall be determined for each county
21 34 by the department of management based on the actual enrollment
21 35 figures reported by October ± 15 to the department of
22 1 management by the department of education pursuant to section
22 2 257.6, subsection 1. The combined actual enrollment count
22 3 shall be forwarded to the director of revenue by March 1,
22 4 annually, for purposes of supplying estimated tax payment
22 5 figures and making estimated tax payments pursuant to this
22 6 section for the following fiscal year.
22 7 Sec. 41. Chapters 288 and 289, Code 2005, are repealed.
22 8 Sec. 42. Sections 260C.45, 282.1A, and 297.13, Code 2005,
22 9 are repealed.
22 10 Sec. 43. FUTURE EFFECTIVE DATE. The sections of this Act
22 11 amending sections 257.17 and 279.10 take effect July 1, 2007,
22 12 and apply to the 2007=2008 school year.
22 13 SF 2272
22 14 kh:nh/cc/26